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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,947

03/12/2004

Gary Dean LaVon

9577

8015

27752

7590

10/16/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,947

Applicant(s)

LAVON ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 20 is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed August 2, 2006, with respect to the rejection(s) of claim(s) 16-18 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of the previously applied prior art reference of Tanji et al.

Claim 19 has been previously rejected under 35 U.S.C. 103 over Tanji et al. Examiner reaffirms the rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanji et al (U.S. Patent No. 6,461,342).

With respect to **Claim 16**: Tanji teaches a diaper 101 comprising a chassis 102 having a front waist region 106, a rear waist region 107, and a crotch region 108 extending between the two waist regions 106,107. The diaper has liquid absorbent core assembly 110 having an interior surface and an exterior surface. Semicircular side edge zones 123 define laterally opposed longitudinally extending breathable side flaps, each flap having longitudinally opposing ends and a longitudinally extending proximal edge. Side flaps 123 are attached adjacent to their ends to the interior surface of the absorbent assembly 110. Longitudinally extending leg hole elastic

members 121,122 are attached to side flaps 123 adjacent their proximal edges such that the elastic members contract upon relaxation and lift the side flaps 123 away from said interior surface of the absorbent assembly 110 to form a breathable side barrier (Fig. 4) Chassis 102 is attached to the exterior surface of core assembly 110 and has an interior surface and an exterior surface. Chassis 102 is comprised of liquid-impermeable backsheet 105 and has at least one fastening element 117 for fastening said front waist region and back waist region together to encircle the waist and legs of a wearer. Fasteners 117 are tape fasteners and are therefore adapted to be openable and refastenable.

Tanji teaches that the absorbent core 110 is positioned between the top- and backsheets 104,105 respectively and therefore does not teach that such assembly is attached to the exterior of the chassis 102. However, since the core 110 is responsible for absorbing exudates to prevent leakage to the user's undergarments, it would be obvious to one of ordinary skill in the art to alternatively attach the chassis to the exterior surface of the assembly for more efficient absorption and leakage prevention.

With respect to **Claim 17**: As stated with respect to claim 16, fastening elements 117 are adhesive tape tab fasteners.

With respect to **Claim 18**: Tape tab fastening elements 117 are cohesive in that the adhesive formed thereon is capable of sticking to itself but not able to significantly (i.e. permanently) stick to other materials, hence the openability and refastenability of said tape tabs.

With respect to **Claim 19**: Tanji also teaches a fastening element 31 comprised of a mechanical fastener adapted to engage a nonwoven surface. Tanji does not teach a mechanical fastener for

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fasteners 117, however since Tanji teaches both mechanical fasteners and tape tabs as suitable means of securing said diaper cover 101 to a user or undergarment, it would be obvious to one of ordinary skill in the art to utilize mechanical fasteners for fastening elements 117 in lieu of adhesive tape tabs with a reasonable expectation of success.

Allowable Subject Matter

Claims 1-15 and 20 are allowed.

Reasons for Indicating Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: A thorough search of the prior art of record did not disclose any reference, alone or in combination with other reference(s) that teaches or fairly suggests an absorbent article having a chassis and side flaps wherein lateral opposing portions of the chassis in the crotch region are folded laterally inward to overlap side flaps and are attached to the side flaps. The closest prior art of record is Sasaki (EP 0951890) and U.S. Patent No. 6,461,342 to Tanji et al. Sasaki taught the invention substantially as claimed except for the overlapping chassis in the crotch region of the diaper. Tanji also teaches the invention as claimed except for portions of the chassis that overlap the side flaps. The side flaps and the portion of the chassis to be folded are adhered to one another in the lateral side edges of said chassis and are coextensive and thus the chassis cannot be folded laterally inward to overlap respective side flaps.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

MJH
October 13, 2006

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

